

FAIR EMPLOYMENT & HOUSING COMMISSION

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MINUTES
462nd COMMISSION MEETING

June 20, 2006
Held Telephonically in
Los Angeles, San Diego, Sacramento,
Pal Alto and San Francisco, California

PRESENT:

Los Angeles: Chairman George Woolverton.

San Diego: Commissioner Patrick Adams.

Sacramento: Commissioner Linda Ng and members of the public: Kate Sproul, Luis Cespedes, John Adkisson, Kevin G. Baker and Gail Blanchard-Saiger.

Palo Alto: Commissioner Carol Freeman (participating as member of the public)

San Francisco: Commissioner Tamiza Hockenhull and Commission staff Ann Noel, Caroline Hunt and Loc D. Tra; and members of the public: Shanti Atkins, Michael Korcuska, Christopher Cobey, Tara Bedeau, Mary Lex, Lynn Lieber, Craig Stewart, Barrie Gross and Shelley Hicks.

OPEN SESSION

Chairman Woolverton moved, Commissioner Hockenhull seconded, and the Commission unanimously voted to call the meeting to order at 2:20 p.m. [06-25]

REVIEW OF THE MINUTES

Chairman Woolverton moved, Commissioner Hockenhull seconded, and the Commission unanimously voted to approve the Minutes and Transactions of the 461st meeting as submitted. [06-26]

HARASSMENT TRAINING REGULATIONS

The Commission and members of the public began discussions of revisions of the Harassment Training Regulations, i.e., the ***May 16, 2006, Revised Harassment Training and Education Regulations (without underlining and strikeout from the original December 16, 2006, proposed regulations)***. Commissioner Carol Freeman recused herself from any participation as a Commissioner in the Harassment Training regulations discussion and did not vote below on any item regarding the harassment training regulations. (FEHC Meeting Actions, 06-27 – 06-29, below)

Chairman Woolverton moved, Commissioner Hockenhull seconded, and the Commission unanimously voted to delete the second sentence, *E-learning providers should provide enough content to accommodate a variety of learners so that "fast learners" will nonetheless have two hours worth of training as well as "slow learners."*, from **7288.0(a)(10)** of the **May 16, 2006, Revised Harassment Training and Education Regulations**, as suggested by Executive and Legal Affairs Secretary (ELAS) Ann Noel [06-27]

Gail Blanchard-Saiger of the California Hospital Association joined the meeting at the Sacramento location at 3:05 p.m.

Chairman Woolverton moved, Commissioner Hockenhull seconded, and the Commission unanimously voted to adopt the new language as suggested by ELAS Ann Noel for **7288.0(b)** as follows:

(b) Training

(1) Frequency of Training: An employer each supervisor, measured two years from the date of completion of the last training of the individual supervisor. ~~and may use either of the following methods or a combination of the two methods to track compliance.~~

A. ~~"Individual" Tracking: An employer may track its training requirement for each supervisor, measured two years from shall provide training under this section once every two years by tracking the training of the date of completion of the last training of the individual supervisor.~~

B. ~~"Training year" tracking: An employer may designate a "training year" in which it trains its supervisors and thereafter must again retrain its supervisors by the end of the next "training year," two years later. Thus, with this method, an employer who has trained its supervisors by December 31, 2005, must again train its supervisors by December 31, 2007.~~

(2) Documentation of Training: An employer shall keep documentation of the harassment training it has provided its employees under this section to track compliance, including the name of the supervisor trained, the date of training, the type of training, and the name of the trainer, educator or instructional designer and shall retain the records for a minimum of two years.

~~(2)~~ (3) Training at New Businesses. Businesses created after January 1, 2006, must provide training within six months of their establishment and thereafter biennially; measured either from the individual or training year tracking method. Businesses that expand to 50 employees and/or contractors and thus become eligible under these regulations, must provide training within six months of their eligibility and thereafter biennially.

~~(3)~~ (4) Training for New Supervisors. New supervisors shall be trained within six months of assuming their supervisory position and thereafter shall be trained once every two years, measured either from the individual or training year tracking method. A new supervisor who has received harassment training in compliance with this section within the prior two years either from a prior or alternate employer need only be given a copy, be required to read and to acknowledge receipt of the new employer's anti-harassment

policy within six months of assuming the supervisor's new supervisory position. That supervisor shall otherwise be put on a two year tracking schedule based on the supervisor's last harassment training. To incorporate new supervisors into the

~~employer's training year tracking schedule, a new supervisor may need to be retrained sooner than once every two years. For example, an employer has created a training year schedule designated as 2005, 2007, 2009, et cetera. A new supervisor is hired and receives harassment training in 2006. That employee would need to again be trained in 2007 along with the other supervisory employees and thereafter, follow the employer's two year training schedule.~~

[06-28]

Chairman Woolverton moved, Commissioner Ng seconded, and the Commission unanimously voted to adopt the revised regulations submitted by staff, with the above modifications and to submit these modified regulations for public comment. A copy of the modified regulations with all Commission changes is attached. [06-29]

FEHC AUGUST 29, 2006 RIVERSIDE MEETING

Chairman Woolverton and the other Commissioners confirmed that the next Commission meeting will be in Riverside on August 29, 2006.

ADJOURNMENT

Chairman Woolverton moved, Commissioner Adams seconded, and the Commission unanimously voted to adjourn. [06-30]

The Commission adjourned its meeting and forum at 4:05 p.m.

Date: June 20, 2006

GEORGE WOOLVERTON
Chairman

ANN M. NOEL
Executive and Legal Affairs Secretary

**REPORT OF TRANSACTIONS
OF THE 462nd COMMISSION MEETING**

June 20, 2006

**Held Telephonically in
Los Angeles, San Diego, Sacramento,
Palo Alto and San Francisco, California**

THE COMMISSION AT THIS MEETING TOOK THE FOLLOWING ACTIONS:

- 06-25 Approved calling the meeting to order.
- 06-26 Approved the Minutes and Transactions of the 461st meeting as submitted.
- 06-27 Voted 4:0 to modify **7288.0(a)(10)** as described in the body of the minutes.
- 06-28 Voted 4:0 to modify **7288.0(b)** as described in the body of the minutes.
- 06-29 Voted 4:0 to adopt the revised regulations as submitted by staff and modified at the
June 20, 2006, meeting.
- 06-30 Unanimously voted to adjourn the meeting.

Prepared By

Loc D. Tra
Clerk of the Commission